

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------------------|---|--------------------|
| BILLY TYLER, |) | |
| |) | |
| Plaintiff, |) | 8:10CV51 |
| |) | |
| v. |) | |
| |) | |
| OMAHA IMPOUND LOT, VIOLATIONS |) | MEMORANDUM OPINION |
| BUREAU, and JOHN DOE, Unknown |) | |
| Police of Omaha, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the Court on its own motion. On April 12, 2010, this Court conducted an initial review of plaintiff's complaint, finding that plaintiff's complaint failed to state a claim upon which relief may be granted as to all defendants (Filing No. 6). In particular, the Court determined that plaintiff failed to "allege that there is a continuing, widespread, persistent pattern of unconstitutional misconduct by the City of Omaha or its employees, or that the City of Omaha's policymaking officials were deliberately indifferent to or tacitly authorized any unconstitutional conduct." (Id. at CM/ECF p. 4.)

The Court also found that plaintiff failed to "allege that an unconstitutional custom was the moving force behind his injuries." (Id.) Plaintiff was granted until May 12, 2010, to file an amended complaint to adequately allege claims against defendants. (Id. at CM/ECF p. 5.) Plaintiff has not responded

in any way to the Court's April 12, 2010, memorandum and order. For this reason, plaintiff's complaint will be dismissed in its entirety. A separate order will be entered in accordance with this memorandum opinion.

DATED this 18th day of May, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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